

REMARKS

The present amendment accompanies a Request for Continued Examination. In a final Office Action dated June 8, 2006, the Examiner rejected claims 1-3, 6-9, 14-19, 21-23 and 25 under 35 U.S.C. 102(e) as anticipated by Catanoso, (US 6,892,388 B1); and rejected claims 4, 5, 10, 13, 20 and 24 under 35 U.S.C. 103(a) as unpatentable over *Catanoso*. Following final rejection, applicant filed a Notice of Appeal on September 8, 2006. By making the present Request for Continued Examination, applicant is abandoning the appeal and electing to continue prosecution. Additionally, applicant herewith files an Information Disclosure Statement

Applicant has amended all independent claims to further clarify the present invention. Applicant does not believe these amendments are necessary to distinguish over *Catanoso*, but have been made in view of art cited in the present Information Disclosure Statement. In particular, independent claims 1, 16 and 25 have been amended to recite that the captured raw image is motion video, such as, for example, a television signal or a scoreboard display signal. Claims 1 and 25 have been further amended to recite positively the step of automatically providing the image to the customer responsive to customer confirmation. Independent claims 2 and 7 have been cancelled as superfluous, and conforming amendments have been made to certain dependent claims. Independent claim 24 does not explicitly recite motion video, but is directed to another aspect of applicant's invention, namely that the ticket stub, receipt or similar document can be used by the customer to access the image, thus providing a convenient form of access as well as a level of privacy and security to customers who may not wish to have their images widely disseminated. As amended the claims are patentable over the cited art.

In the final office action, the Examiner repeated the previous rejection made on the basis of *Catanoso*. Applicant addressed the *Catanoso* patent in response to the previous office action.

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Applicant's remarks made in the response to that office action, filed March 15, 2006, are therefore still germane, and are incorporated herein by reference, without necessarily repeating verbatim everything said therein.

Briefly, in response to the previous office action, applicant made several points.

Applicant's system is essentially different because it automatically captures images of all the seating locations in a large event, and on demand provides an image to a customer when given the corresponding seating location. *Catanoso* mentions that one of the applications for his invention is to capture images of spectators at amusement park rides, but this is clearly not the same thing. An amusement park ride has a fixed location in the amusement park. One can not, by inputting the location to an automated device, retrieve an image for a particular customer, because the system will have captured all the customers who went through that particular ride. Apparently, to avoid manually sifting through many images, *Catanoso* would simply provide the images at the end of the ride.

In particular, *Catanoso* fails to teach or suggest the step of receiving a location from the customer and automatically displaying the image responsive to the location. As defined in applicant's claims, an "event site location" is not just a place. Specifically, in accordance with applicant's invention, a "location" is something which is occupied by a particular customer (or small subset of customers) during the event, i.e. it is something equivalent to a seat having a fixed location in a stadium or similar facility. (Claim 24 actually requires the location to be a seat, but the remaining claims merely require a "location", which could be a defined section or similar construct.) As recited in representative claim 1, "each said event site location is occupied during said event by a respective discrete subset of said event site customers..."

A seat in an amusement park ride does not satisfy this limitation. In the final office action, the Examiner simply ignores this limitation and chooses not to respond to applicant's argument.

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Since the Examiner has made no response, applicant has no further comment to make other than to refer to the original argument.

Applicant further pointed out that *Catanoso*'s system is not an automated system such as an automated kiosk. *Catanoso* requires manual intervention to print and sell images. The Examiner responds that automating a known process is not inventive. There are several responses to this. The cases cited by the Examiner relate to *obviousness* to automate a manual process. What is obvious is always a question of what would have been suggested by the prior art. There is a general maxim that if all one does is convert known manual steps to automatic ones, such an action would have been obvious. But this is only true of manual steps converted to automatic ones. It is not true of a manual process converted to an automatic one using *different process steps*.

The Examiner has not addressed the fact that different steps are used, as explained above. In order to automate the process for a large number of people at a stadium or similar venue, the images are indexed by location so that the customer can retrieve his personalized image. *Catanoso* does not disclose or suggest this step, whether it is performed manually or automatically, and therefore the claims are neither anticipated by nor obvious over *Catanoso*.

Finally, applicant has amended claim 24 to further recite that an automated document reader reads the ticket stub or other document to obtain seat location and retrieve the correct image. Such a system not only provides a convenient, error-resistant method for retrieving the correct image, but also provides a degree of privacy by making it difficult for individuals to browse images of others at the same event. There is no such teaching or suggestion of an automated document reader in *Catanoso*. The Examiner simply asserts, without any evidence whatsoever, that it would have been obvious. Applicant therefore respectfully requests that the

Examiner explain the source of this insight, either in the form of a reference or other appropriate evidence of the alleged state of the art.

Applicant further submits herewith an Information Disclosure Statement citing three related U.S. patents, referred to herein generally as the *Gluck* references. *Gluck* discloses a system for capturing still images relating to seating locations in a sporting event or similar venue, composing a customized souvenir, and selling the image to customers either by using multiple salespersons distributed about the venue or a centralized sales window.

*Gluck* discloses that still images are captured for multiple different locations. *Gluck* does not disclose or suggest that still images be extracted from a motion video signal, such as a television signal or scoreboard display, as recited in applicant's amend claims 1, 16 and 25. Furthermore, *Gluck* does not disclose an automated system for receiving a customer input of a location, automatically retrieving the appropriate image responsive to the customer input, and selling the image to the customer automatically responsive to customer input. Other than the capturing and storage of the images, *Gluck*'s system is basically manual. Finally, *Gluck* does not disclose an automated document reader for reading the ticket or other document, to both minimize errors and preserve customer privacy, as recited in amended claim 24. For these various reasons, the claims as amended are patentable over *Gluck*.

Applicant has added dependent claims 26-29 which recite two additional features of the present invention neither taught nor suggested by the cited art. Claims 26 and 28 recite that the customer interactively selects an image from among multiple images captured. This feature allows a customer to browse multiple images and select that one he or she likes best, thereby increasing the odds of pleasing the customer and producing a sale. While it would be possible for sales personnel to manually make this selection, it becomes somewhat problematical with a large number of selections to be made, and the customer is much more likely to make the

selection pleasing to him or her. Offering this feature in an interactive, automated system, such as an interactive automated kiosk, makes it practical for a large number of customers to make their own selections in a well attended event. Claims 27 and 29 further recite that the customer interactively inputs his or her own personalized message for printing on the souvenir image. This feature again is not taught or suggested by the cited references, and would only be practical in an automated dispensing system of the type disclosed in applicant's specification.

In view of the foregoing, applicant submits that the claims are now in condition for allowance, and respectfully requests reconsideration and allowance of all claims. In addition, the Examiner is encouraged to contact applicant's attorney by telephone if there are outstanding issues left to be resolved to place this case in condition for allowance.

Respectfully submitted,

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